### UNITED STATES DISTRICT COURT

for the

District of Columbia	
United States of America v. ) Christopher Patrick Moynihan )	Case: 1:21-mj-00265 Assigned to: Judge Harvey, G. Michael Assign Date: 2/25/2021 Description: COMPLAINT W/ARREST WARRANT
Defendant	
ARREST V	VARRANT
To: Any authorized law enforcement officer	
☐ Probation Violation Petition ☐ Supervised Release Vio	olation Petition
This offense is briefly described as follows:	
18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remainin Lawful Authority; 40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Co 18 U.S.C. § 1512(c)(2) - Obstruction of Justice/Congress.  Date: 02/25/2021	nduct on Capitol Grounds;
City and state: Washington, D.C.	G. MICHAEL HARVEY, U.S. MAGISTRATE JUDGE  Printed name and title
Ret	urn
This warrant was received on (date) 02/25/2021  at (city and state) Solt Point, Ny  Date: 02/25/2021	and the person was arrested on (date) 02/25/202/  Arresting officer seignature  Dominic Trippolo Secial Agent

## UNITED STATES DISTRICT COURT

for the

	District	of Colu	nbia	
United States of America v. Christopher Patrick Moynihan DOB: XXXXXX	. suric	); · · · · · · · · · · · · · · · · · · ·	Case No.	
Defendant(s)				
			PLAINT	
	y 6, 2021	i	rue to the best of my knowledge and belief. in the county of	in the
Code Section			Offense Description	
18 U.S.C. § 1752(a)(1) - Knowingly Without Lawful Authority, 40 U.S.C. § 5104(e)(2) - Violent En 18 U.S.C. § 1512(c)(2) - Obstructio	try and Dis	orderly	ining in any Restricted Building or Grounds Conduct on Capitol Grounds, ess.	S
This criminal complaint is based on t	hese facts:			
See attached statement of facts.				
▼ Continued on the attached sheet.			Complainant's signature	·.
			Dominic S. Trippodo, Special Agen	t
Attested to by the applicant in accordance we by telephone.  Date: 02/25/2021	ith the requir	ements (	Printed name and title  of Fed. R. Crim. P. 4.1  Digitally signed  by G. Michael  Harvey  Judge's signature	
City and state: Washington,	D.C.		G. MICHAEL HARVEY U.S. MAGIST  JUDGE Printed name and title	RATE

#### STATEMENT OF FACTS

Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI) and I am currently assigned to the FBI's New York Field Office. Currently, I am tasked with investigating criminal activity in and around the U.S. Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, and prosecution of violations of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the U.S. Congress convened at the U.S. Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

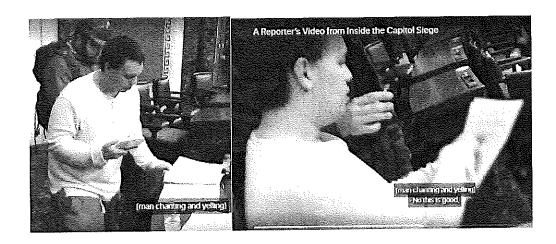
violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

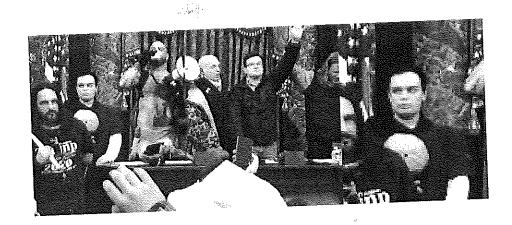
Evidence Linking MOYNIHAN to Assault on the U.S. Capitol

On or about January 27, 2021, the FBI National Threat Operations Center received a tip that an individual by the name of CHRISTOPHER PATRICK MOYNIHAN was captured on a publicly available video of the unlawful activity that occurred on January 6, 2021 in and around the Capitol building.

As a result of this tip, the FBI interviewed two individuals who identified MOYNIHAN as an individual who was inside the Capitol building and in the Senate chamber.

Person-1 stated that he/she previously worked with MOYNIHAN for approximately one year. Below is a screen capture of a video which Person-1 stated depicts MOYNIHAN. The video appears to have been filmed on the Senate floor of the U.S. Capitol. During this video, MOYNIHAN can be seen using his cellphone to take pictures of official congressional notes and documents which are believed to detail the objections and votes of certain congressional members on the certification of electoral results. As he reviews the documents, MOYNIHAN can be heard saying "There's got to be something we can use against these fucking scumbags." Later in the video, MOYNIHAN can be seen wearing an additional T-shirt and standing on the dais inside the Senate chamber.





Person-1 provided a cellular telephone number of 845-337-1907 for MOYNIHAN. According to records obtained through a search warrant served on Verizon, on January 6, 2021, in and around the time of the incident, the cellphone associated with 845-337-1907 was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building.

The FBI also interviewed Person-2, who stated that he/she previously worked with MOYNIHAN. Person-2 reviewed the same video as Person-1 and confirmed both the image and the voice of MOYNIHAN on the video.

Below is a screen capture of another publicly posted video showing a male matching MOYNIHAN's description on the Senate floor, next to an individual holding documents from one of the Senate desks.



See shocking new video from inside Capitol riots

Law enforcement confirmed the identification of MOYNIHAN by comparing images of the person identified by Person-1 and Person-2 as MOYNIHAN against a photograph taken in connection with a 1997 New York State arrest.

Based on the aforementioned evidence, there is probable cause to believe that MOYNIHAN was present inside the U.S. Capitol on January 6, 2021 during the riot and related offenses that occurred at the U.S. Capitol Building, located at 1 First Street, NW, Washington,

D.C., 20510 on January 6, 2021 and participated in the obstruction of the Congressional proceedings.

Accordingly, your affiant submits that there is probable cause to believe that MOYNIHAN violated 18 U.S.C. § 1512(c)(2), which makes it a crime to corruptly obstruct, influence and impede an official proceeding, that is, a proceeding before Congress, by entering and remaining in the United States Capitol without authority and committing an act of civil disorder, engaging in disorderly and disruptive conduct, and attempting to do so.

Your affiant submits that there is also probable cause to believe that MOYNIHAN violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that MOYNIHAN violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Dominic S. Trippodo, Special Agent

Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by Digitally signed by G.

telephone, this 25th day of February 2021.

Michael Harvey
Date: 2021.02.25
11:50:53 -05'00'

G. MICHAEL HARVEY U.S. MAGISTRATE JUDGE

#### UNITED STATES DISTRICT COURT

for the

District of Columbia	
United States of America v. Christopher Patrick Moynihan  Defendant	Case No. ()
ARREST	WARRANT
To: Any authorized law enforcement officer	a United States magistrate judge without unnecessary delay
(name of person to be arrested) Ch	ristopher Patrick Moynihan ,
who is accused of an offense or violation based on the followin	g document filed with the court:
☐ Indictment ☐ Superseding Indictment ☐ Inform ☐ Probation Violation Petition ☐ Supervised Release Violation	
This offense is briefly described as follows:	
18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining Lawful Authority; 40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Construction of Justice/Congress  Date: 02/25/2021	onduct on Capitol Grounds;
City and state: Washington, D.C.	G. MICHAEL HARVEY, U.S. MAGISTRATE JUDGE  Printed name and title
Re	eturn
This warrant was received on (date)  at (city and state)	, and the person was arrested on (date)
Date:	Arresting officer's signature

Printed name and title

Approved:

STEVEN J. KOCHEVAR

Assistant United States Attorney

Before:

HONORABLE PAUL E. DAVISON

United States Magistrate Judge Southern District of New York

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-A.-

CHRISTOPHER PATRICK MOYNIHAN,

Defendant.

21 Mag. 2205 RULE 5(c)(3) AFFIDAVIT

SOUTHERN DISTRICT OF NEW YORK, ss:

DOMINIC S. TRIPPODO, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

On or about February 25, 2021 the United States District Court for the District of Columbia (the "DDC") issued a warrant for the arrest of "Christopher Patrick Moynihan" (the "Warrant"). The Warrant was based upon a complaint charging Christopher Patrick Moynihan with one count of knowingly entering or remaining in any restricted building or grounds without lawful authority, in violation of 18 U.S.C. § 1752(a)(1); one count of violent entry or disorderly conduct, in violation of 40 U.S.C. § 5104(e)(2); and one count of corruptly obstructing an official proceeding, in violation of 18 U.S.C. §1521(c)(2) (the "Complaint"). Copies of the Warrant, Complaint, and supporting affidavit (the "Agent Affidavit") are attached.

I believe that CHRISTOPHER PATRICK MOYNIHAN, the defendant, who was taken into FBI custody on February 25, 2021, in the Southern District of New York, is the same individual as the "Christopher Patrick Moynihan" who is wanted by the DDC.

The bases for my knowledge and for the foregoing charges are, in part, as follows:

- 1. I am a Special Agent with the FBI. I have been personally involved in determining whether CHRISTOPHER PATRICK MOYNIHAN, the defendant, is the same individual as the "Christopher Patrick Moynihan" named in the Warrant. Because this Affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.
- 2. Based on my discussions with other members of law enforcement, I know that:
- a. On or about February 25, 2021, I and other members of law enforcement arrested CHRISTOPHER PATRICK MOYNIHAN, the defendant, in Salt Point, New York. I recognized MOYNIHAN from the images of Christopher Patrick Moynihan included in the Agent Affidavit. At the time of MOYNIHAN's arrest, MOYNIHAN and two individuals who identified themselves as MOYNIHAN's parents stated, in sum and substance, that he had been present at the United States Capitol on January 6, 2021.

b. At the time of his arrest, MOYNIHAN was in possession of a New York State driver's license, which confirmed his name as Christopher Patrick Moynihan. At my request, MOYNIHAN produced a hat, which I recognized as a hat he wore inside the United States Capitol on January 6, 2021, based on publicly available photographs and video.

WHEREFORE, deponent prays that CHRISTOPHER PATRICK MOYNIHAN, the defendant, be bailed or imprisoned, as the case may be.

15/ Dominick S. Trippodo

DOMINIC S. TRIPPODO

Special Agent

FBI

Sworn to me through the transmission of this Affidavit by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 11(d)(3) and 4.1 on: 262

HONORABLE PAUL E. DAVISON UNITED STATES MAGISTRATE JUDGE SOUTHERN DISTRICT OF NEW YORK

SOUT	ED STATES DISTRICT COURT HERN DISTRICT OF NEW YORK	X
TINU	TED STATES OF AMERICA, -against-	CONSENT TO PROCEED BY VIDEO OR TELE CONFERENCE
	STOPHER PATRICK MOYNIHAN  Defendant(s).	7:21-MJ-02205 X
	dant Christopher Patrick Moynihan hereby vo ing proceeding via ⊠ videoconferencing o	*
$\boxtimes$	Initial Appearance Before a Judicial Officer	
	Arraignment (Note: If on Felony Information Indictment Form)	on, Defendant Must Sign Separate Waiver of
	Guilty Plea/Change of Plea Hearing	
	Bail/Detention Hearing	
	Conference Before a Judicial Officer - Assignation of the Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before a Judicial Officer - Assignation of the Conference Before	Defendant's Counsel's Signature
(Judge	may obtain verbal consent on I and Sign for Defendant)	Description of Country of Signature
	stopher Moynihan Defendant's Name	<u>Jason Ser</u> Print Counsel's Name
This property $\frac{2}{2}$	roceeding was conducted by reliable video or	telephone conferencing technology.  U.S. District Judge/U.S. Magistrate Judge

#### Casse 1:211-roij-00286-GRYCH Doccumment 75 Filled 033/031/211 Pagge 122 off 115

Duration: 32 minutes

Proceeding via: ☐CourtCall ☐AT&T

DOCKET No. 21-mj-02205	DEFENDANT Charles Patrick Moynihan
AUSA Steven Kochevar	DEF.'S COUNSEL Jason Ser  RETAINED  FEDERAL DEFENDERS  CJA PRESENTMENT ONLY
☐INTERPRETER NEEDED	
	☐ DEFENDANT WAIVES PRETRIAL REPORT
☐ Rule 5 ☐ Rule 9 ☑ Rule 5(c)(3) ☑ Detention H	
☐ Other:	5,50 piii.
	2/26/2021
<u>BA</u>	IL DISPOSITION  SEE SEP. ORDER
□ DETENTION ON CONSENT W/O PREJUDICE □ DETENTION HEARING SCHEDULED FOR: □ AGREED CONDITIONS OF RELEASE □ DEF. RELEASED ON OWN RECOGNIZANCE □ \$50,000.00 PRB □ 2 FRP □ SECURED BY \$ CASH/PROPERTY □ TRAVEL RESTRICTED TO SDNY/EDNY/and Districts	DETENTION: RISK OF FLIGHT/DANGER SEE TRANSCRIPT  : ct of Connecticut for church services and District of Columbia
☐ TEMPORARY ADDITIONAL TRAVEL UPON CONS ☐ SURRENDER TRAVEL DOCUMENTS (& NO NEW A	ENT OF AUSA & APPROVAL OF PRETRIAL SERVICES for Court
☑ PRETRIAL SUPERVISION: ☐ REGULAR ☐ STI☐ DRUG TESTING/TREATMT AS DIRECTED BY PTS☐ DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, A	☐ MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS
☐ HOME INCARCERATION ☐ HOME DETENTION ☐ DEF. TO PAY ALL OF PART OF COST OF LOCATION	I □ CURFEW □ ELECTRONIC MONITORING ☑ GPS ON MONITORING, AS DETERMINED BY PRETRIAL SERVICES
☐ DEF. TO CONTINUE OR SEEK EMPLOYMENT [OI ☐ DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE I	R] DEF. TO CONTINUE OR START EDUCATION PROGRAM DEVICE/OTHER WEAPON
☐ DEF. TO BE DETAINED UNTIL ALL CONDITIONS.☐ ☐ DEF. TO BE RELEASED ON OWN SIGNATURE, PL	
ADDITIONAL CONDITIONS/ADDITIONAL PROCE	
Initial appearance of Charles Patrick Moynihan, who remotely. AUSA Steven Kochevar appeared via Skyp Defenders appeared via Skype and ATT Connect for I telephone. Defendant was advised of his rights and the waived. Financial affidavit approved and Jason Ser ap in the District of Columbia. Defendant release on \$50.	appeared via Skype and ATT Connect after consenting to proceed e and ATT Connect for the Government. Jason Ser, Federal Defendant. Andrew Abbott from Pretrial Services appeared by see charges in the complaint. Public reading of the complaint was pointed as counsel. Initial appearance has been scheduled for 3/3/21,000.00 PRB to be cosigned by two FRP. Defendant must not have at all times. Defendant may self install location monitoring.
☐ DEF. ARRAIGNED; PLEADS NOT GUILTY☐ DEF. WAIVES INDICTMENT☐ SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C	C. § 3161(h)(7) UNTIL
For Rule 5(c)(3) Cases:  ☑ IDENTITY HEARING WAIVED ☐ PRELIMINARY HEARING IN SDNY WAIVED	☐ DEFENDANT TO BE REMOVED ☐ CONTROL DATE FOR REMOVAL:
PRELIMINARY HEARING DATE: 3/26/2021	ON DEFENDANT'S CONSENT
DATE: <u>2/26/2021</u>	UNITED STATES MAGISTRATE JUDGE, S.D.N.Y.

**CLOSED** 

# U.S. District Court Southern District of New York (White Plains) CRIMINAL DOCKET FOR CASE #: 7:21-cr-02205-UA-1 Internal Use Only

Case title: USA v. Moynihan Date Filed: 02/26/2021

Date Terminated: 02/26/2021

Assigned to: Judge Unassigned

Defendant (1)

Charles Patrick Moynihan TERMINATED: 02/26/2021

Pending Counts Disposition

None

**Highest Offense Level (Opening)** 

None

**Terminated Counts Disposition** 

None

**Highest Offense Level (Terminated)** 

None

**Complaints Disposition** 

18:1752.P----TEMPORARY RESIDENCE OF THE PRESIDENT

**Plaintiff** 

USA represented by Steven John Kochevar

DOJ-USAO 300 Quarropas Street White Plains, NY 10601 914-993-1928

Email: steven.kochevar@usdoj.gov

LEAD ATTORNEY

1 of 3 3/1/2021, 11:02 AM

## ATTORNEY TO BE NOTICED Designation: Assistant US Attorney

<b>Date Filed</b>	#	Docket Text
02/26/2021	1	RULE 5(c)(3) AFFIDAVIT of Dominic S. Trippodo, Special Agent, FBI, from the United States District Court - Southern District of New York, as to Charles Patrick Moynihan. (Signed by Magistrate Judge Paul E. Davison on 2/26/2021) (ap) (Entered: 03/01/2021)
02/26/2021		Arrest (Rule 5(c)(3)) of Charles Patrick Moynihan. (ap) (Entered: 03/01/2021)
02/26/2021	2	Minute Entry for proceedings held before Magistrate Judge Paul E. Davison: Initial Appearance in Rule 5(c)(3) Proceedings as to Charles Patrick Moynihan held on 2/26/2021. Bond Hearing as to Charles Patrick Moynihan held on 2/26/2021. AUSA Steven Kochevar for the Government. Jason Ser for the Defendant. BAIL DISPOSITION: \$50,000 PRB; 2 FRP; TRAVEL RESTRICTED TO SDNY/EDNY/and District of Connecticut for church services and District of Columbia; PRETRIAL SUPERVISION: AS DIRECTED BY PRETRIAL SERVICES; GPS; DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS; REMAINING CONDITIONS TO BE MET BY: 3/3/21. Initial appearance of Charles Patrick Moynihan, who appeared via Skype and ATT Connect after consenting to proceedremotely. AUSA Steven Kochevar appeared via Skype and ATT Connect for the Government, Jason Ser, FederalDefenders appeared via Skype and ATT Connect for Defendant. Andrew Abbott from Pretrial Services appeared bytelephone. Defendant was advised of his rights and the charges in the complaint. Public reading of She complaint waswaived. Financial affidavit approved and Jason Ser appointed as counsel. Initial appearance has been scheduled for 3/3/21in the District of Columbia. Defendant release on \$50,000.00 PRB to be cosigned by two FRP. Defendant must not haveaccess to father's firearms, which must be kept locked at all times. Defendant may self install location, monitoring. IDENTITY HEARING WAIVED. Preliminary hearing 3/26/2021 on Defendant's consent. (Court Reporter ATT Connect) (ap) (Entered: 03/01/2021)
02/26/2021	3	CJA 23 Financial Affidavit by Charles Patrick Moynihan. APPLICATION GRANTED. (Signed by Magistrate Judge Paul E. Davison) (ap) (Entered: 03/01/2021)
02/26/2021	4	CONSENT TO PROCEED BYVIDEO OR TELE CONFERENCE as to Charles Patrick Moynihan. (Signed by Magistrate Judge Paul E. Davison on 2/26/2021) (ap) (Entered: 03/01/2021)
02/26/2021		(Court only) ***Terminated defendant Charles Patrick Moynihan. (ap) (Entered: 03/01/2021)
02/26/2021		(Court only) ***Case Terminated as to Charles Patrick Moynihan. (ap) (Entered: 03/01/2021)
02/26/2021		RULE 5(c)(3) DOCUMENTS SENT as to Charles Patrick Moynihan from the U.S.D.C. Southern District of New York to the United States District Court - District of Columbia via email documents numbered 1,2 and 4, copies of: Rule 5(c)(3) Documents, the docket sheet, and letter of acknowledgment. (ap) (Entered:

03/01/2021)

3/1/2021, 11:02 AM